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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,374	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.736	5135

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EXAMINER

TESFAMARIAM, MUSSIE

ART UNIT PAPER NUMBER

2162

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

1-16

Office Action Summary

Application No.
09/382,374

Applicant(s)
Jeffrey Jovan Philyaw et al

Examiner
Mussie Tesfamariam

Art Unit
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 24, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-15 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3, 4

20) ☐ Other:

Art Unit: 2162

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. Claims 1-2, 5-11, 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer, 5438355.

As per claim 1, Palmer disclose in a system for launching an advertisement on a computer, comprising: a computer having an audio input interface and a display; see fig 2, items 42, 46, he also discloses in an audio output acoustically coupled from a broadcast source to said input interface for providing an audio signal having encoded therein an advertisement; see col 1, lines 18-21, 68 - col 2, lines 1-6, col 5, lines 28-30, 61; and a program operable on said computer and responsive to said audio signal output from said broadcast source for reproducing said advertisement upon said display. See fig 1, items 24, fig 2, items 42, col 1, lines 18-20, col 4, lines 32-33, col 6, lines 30-35.

As per claim 2, Palmer disclose in wherein said input interface comprises: a circuit for converting said audio signal output coupled from said broadcast source into digital form for processing by said computer. See fig 2, col 4, lines 42-54.

Art Unit: 2162

As per claim 5, Palmer disclose in a broadcast or recorded program including said advertisement encoded in an audio component of said program. See col 1, lines 18-21, 68 - col 2, lines 1-6, col 5, lines 28-30, 61

As per claim 6, Palmer disclose in an audible signal for initiating execution by said program in said computer. See the abstract, fig 2, col 4, lines 41-49.

As per claim 7, Palmer disclose in an information selected from the group including product identity, product description, manufacture identity, advertising messages or program execution commands. See col 1, lines 17-20, col 4, lines 65-68, col 5, lines 1-3.

As per claim 8, Palmer disclose in a program for accessing advertising information coupled from a broadcast source; see fig 1, items 24, fig 2, items 42, col 1, lines 18-20, col 4, lines 32-33, col 6, lines 30-35 he also discloses in means for decoding advertising information encoded in said audio signal; see col 5, lines 60-61, col 6, lines 3-5, fig 2, col 4, lines 42-54. and means for launching said advertisement on said display of said computer. See col 3, lines 66-67.

As per claim 9, Palmer disclose in means for coupling said computer to said display. See fig 2, col 1, lines 11-20.

As per claim 10, Palmer disclose in providing a computer having an audio input interface responsive to an audio signal output from a broadcast source and a display coupled to the computer; see fig 1, item 24, fig 2, items 42, 46, col 1, lines 18-20, col 4, lines 32-33, col 6, lines 30-35; receiving the audio signal output having advertising information encoded therein at the audio input interface and decoding the advertising information for processing by the computer;

Art Unit: 2162

see col 5, lines 60-61, col 6, lines 3-5, fig 2, col 4, lines 42-54; and initiating execution of a program on the computer responsive to the audio signal having the encoded advertising information. See the abstract, fig 2, col 4, lines 41-49.

As per claim 11, Palmer disclose in providing an audio input interface for receiving the audio signal output from the broadcast source; see fig 1, item 24, fig 2, items 42, 46, col 1, lines 18-20, col 4, lines 32-33, col 6, lines 30-35; converting the received audio signal to a form readable by the computer; see fig 1, items 24, fig 2, items 42, col 1, lines 18-20, col 4, lines 32-33, col 6, lines 30-35; and transmitting converted audio signal information to the computer. See fig 1, fig 2, col 1, lines 68- col 2, lines 1-3.

As per claim 13, Palmer disclose in receiving a broadcast or recorded program source having encoded therein advertising information selected from the group including product identity, product description, manufacturer identity, advertising messages or program execution commands. See col 1, lines 17-20, col 4, lines 65-68, col 5, lines 1-3.

As per claim 15, Palmer disclose in an interpreting the advertising information received during the receiving step; see the abstract, and launching a display of the advertising upon the display. See col 3, lines 65-67.

Art Unit: 2162

Claim Rejections - 35 USC § 103

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, 5438355 as applied to claim 2 above, and further in view of Aijala et al, 5579124.

As per claim 3, Palmer disclose in a system for launching an advertisement on a computer, comprising: a computer having an audio input interface and a display; see fig 2, items 42, 46.

However, he fails specifically to disclose in an audio circuit having an input coupled to a microphone and out put. Aijala et al disclose in an audio circuit having an input coupled to a microphone and out put. See the abstract, fig 2a, item, 220, fig 6, col 7, lines 64-67, col 13, lines 27-31, 37-41. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Palmer's system such that it will coupled to a microphone. This is because it would improve Palmer's system such that it will broadcast or record a signal via a microphone. He also fails to disclose in an A/D converter coupled to said output wherein an output of said A/D converter is coupled to a system bus of said computer.

Aijala et al disclose in an A/D converter coupled to said output wherein an output of said A/D converter is coupled to a system bus of said computer. See fig 2a, items 255, col 1, lines 11-13, col 8, lines 41-44. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Palmer's system such that it will have A/D converter. This is because it would improve Palmer's system such that it will relate to encoding and decoding broadcast or recorded segments such as broadcasts transmitted over the air via cable, video, music or other distributed recorded media.

Art Unit: 2162

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, 5438355 as applied to claim 1 above, and further in view of Tsai, 5947746.

As per claim 4, Palmer disclose in a system for launching an advertisement on a computer, comprising: a computer having an audio input interface and a display; see fig 2, items 42, 46. However, he fails specifically to disclose in an advertisement coupled with a sound effect selected from the group including clapping, clicking, whistling, audible tones, subaudible tones, superaudible tones or a combination thereof. Tsai, disclose in an advertisement coupled with a sound effect selected from the group including clapping, clicking, whistling, audible tones, subaudible tones, superaudible tones or a combination thereof. See fig 5, items 28-30, col 2, lines 44-49, col 6, lines 3-12. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Palmer's system such that it will have sound effect ability. This is because it would improve Palmer's system such that it will have a quality performance of music background system.

Claim 12, contain the same limitations as claim 3, therefore are rejected by the same rationale.

Claim 14, contain the same limitations as claim 4, therefore are rejected by the same rationale.

Art Unit: 2162

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mussie Tesfamariam** whose telephone number is **(703)305-1393**. The examiner can normally be reached on Monday - Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eric Stamber** can be reached at **(703) 305-8469**.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)746-7239, (for formal communications intended for entry)

Or:

(703)746-7240, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


(703)746-7238, (For After-final)

Hand-delivered responses should be brought to **Crystal park II, 2121 Crystal Drive**

Arlington, Virginia, (Receptionist).

Mussie Tesfamariam

November 18, 2001



**ERIC W. STAMBER
PRIMARY EXAMINER**